Fosdick

Crime in America and the Police

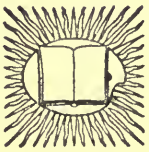
Crime in America and the Police

BY
RAYMOND B. FOSDICK

NEW YORK
THE CENTURY CO.

Crime in America and the Police

BY
RAYMOND B. FOSDICK



NEW YORK
THE CENTURY CO.

The material in this pamphlet constitutes the first chapter of Mr. Fosdick's new book, AMERICAN POLICE SYSTEMS. It is presented in this compact form because of the large demand for the special information on crime conditions which that particular chapter contains.

AMERICAN POLICE SYSTEMS

CHAPTER I

THE AMERICAN PROBLEM

Contrast between European and American police.— American police problem far more difficult.— Heterogeneity of America's population.— Preponderance of crime in America.— Comparative statistics: murder, burglary, robbery.— Relation of heterogeneity to crime.— The relation of court procedure to the police problem.— The law's delays.— The technicalities of procedure.— Faulty personnel on the bench.— The sentimental attitude of the public.— Relation of unenforceable laws to American police problem.— Sumptuary laws.— Borderland between live and dead law.— Embarrassment of the police.

To the American student of European municipal police bodies the contrast with similar institutions in the United States furnishes slight basis for pride. The efficiency of the Metropolitan Police Force of London, the operation of the detective bureau of Paris, the work of the Carabinieri in Rome and of the Politi in Copenhagen have little comparable to them in America; while even as regards the police of smaller cities like Zurich, Edinburgh or The Hague, an American looks almost in vain for equal effectiveness at home. This is so well recognized, indeed, and we have become so accustomed to think of our police work as perhaps the most pronounced failure in all our unhappy municipal history, that we are

inclined to accept the phenomenon without analysis and charge it up generally to "politics." That politics lies at the root of much of it cannot of course be denied. No one can trace the development of police organization in the United States, as we shall follow it in Chapter II, without realizing how true the generalization is; but to believe that the unfavorable comparison between European and American police systems is chargeable solely to politics or to the personnel of our forces is to overlook certain fundamental divergencies in national conditions, customs and psychology which pile up obstacles in the way of efficient police work in America almost beyond the conception of the average European official.

In a word, the police of an American city are faced with a task such as European police organizations have no knowledge of. The Metropolitan Police Force of London with all its splendid efficiency would be overwhelmed in New York, and the *Brigade de sûreté* of Paris, with its ingenuity and mechanical equipment, would fall far below the level of its present achievement if it were confronted with the situation in Chicago. It is to the discussion of some of these external factors which complicate police function in America that the present chapter is devoted.

I. HETEROGENEITY OF POPULATION

With rare exceptions, the populations of European cities are homogeneous. The population of American cities is heterogeneous to an extent almost without parallel. Only 3% of London's population is foreign-born.[1]

[1] Census of 1911, Vol. 9. Wherever in this book London is

Paris has 6%,[1] Berlin 2.9%,[2] Vienna approximately one per cent.[3] In America — to use only a few illustrations at random — New York's foreign-born population is 41%, Chicago and Boston 36% each, Cleveland and Providence 34% each, Detroit 33%. Where London has 211,000 foreign-born, Paris 170,000, and Berlin 60,000, New York has 1,944,357, of which 1,563,964 are of non-English speaking peoples, while Chicago has 783,428, of which 653,377 are from non-English speaking countries.[4]

This contrast can be emphasized in another way. London has 14,000 Italians among her foreign-born; Paris has 26,000. New York has 340,000; Chicago has 45,000. London has 45,000 foreign-born Russians; Paris 18,000. New York has 485,000; Chicago 121,000. Where Paris has 7,000 Austro-Hungarians, New York has 267,000. Where London has 27,000 Poles, Chicago has 126,000. London's 42,000 foreign-born Germans must be contrasted with New York's 280,000 and with Chicago's 185,000. New York's Italian-born population is greater than the combined populations of Bologne and Venice. She has more German-born residents than has Bremen, Konigsberg, Aix la Chapelle, Posen, Kiel or Danzig. Only three cities of old Austria-Hungary — Vienna, Budapest and Prague — have a larger Austro-Hungarian population than New York, while in Chicago

mentioned, the reference is to the Metropolitan Police District which covers an area of 699 square miles and includes a population of 7,231,701.

[1] *Annuaire statistique de la Ville de Paris,* 1912.

[2] *Statistische Jahrbuch der Stadt Berlin,* 1913, pp. 40–41.

[3] That is, born outside the limits of the old Austro-Hungarian Empire. Meyer's *Konversationslexikon,* Vol. 20, annual supplement 1910–11.

[4] Federal Census of 1910.

the foreign-born Austro-Hungarians outnumber the population of Brunn, Cracow or Gratz. In only five Russian cities — Petrograd, Moscow, Odessa, Warsaw and Kiev — can a Russian population be found greater than that of New York.

But this is not the whole contrast. The forebears of London's present population for generations back were Englishmen, bred to English customs and traditions, just as the forefathers of modern Parisians were Frenchmen, born to French institutions and ideals. In New York, Chicago and other large cities of the United States there are hundreds of thousands of residents whose mothers or fathers or both were born abroad. If we add this class to the foreign-born population, of which we have been speaking, to form what may be called the foreign-stock element, we find that it comprises 80% of New York's population, and that of the total number, amounting to 3,769,803, nearly three-fourths came of non-English speaking people.[1] Similarly, this foreign-stock element constitutes the majority of the population in the nineteen largest cities of the United States. In other words, the native white population of native parentage amounts to less than one-fifth the total population of New York and less than one-fourth of the populations of Chicago, Boston, Cleveland, Detroit and Milwaukee; while in cities like Fall River, Massachusetts, it constitutes little more than 10%. In only fourteen of the fifty largest cities of America does the native parentage population equal fifty per cent of the total.

[1] *Ibid.* Congestion adds to the difficulties of heterogeneity. London in 1911 had only 180,000 people housed 219 to the acre; New York in 1910 had 1,171,000 people so housed.

Again, the contrast can be emphasized in terms not only of race but of color. In London and other cities of Great Britain the negro population is so negligible that the census statistics make no mention of it. Only rarely does one see negroes on the streets and a "color problem" does not exist. In America, in consequence of the great numbers of negro inhabitants, this problem has assumed startling proportions. Its extent can be judged from the following figures:[1]

City	*Negro population*	*Percentage of negroes to total population*
Atlanta	51,902	33.5
Baltimore	84,749	15.2
Birmingham	52,305	39.4
Charleston (S. C.)	31,056	52.8
Indianapolis	21,816	9.3
Kansas City	23,566	9.5
Louisville	40,522	18.1
Memphis	52,441	40.0
Nashville	36,523	33.1
New Orleans	89,262	26.3
Richmond	46,733	36.6
Savannah	33,246	51.1
Washington	94,446	28.5

The consequences of this mixture of race and color are far reaching, particularly in their effect on such functions as policing. Homogeneity simplifies the task of government. Long-established traditions of order and standards of public conduct, well-understood customs and prac-

[1] Census of 1910.

tices which smooth the rough edges of personal contact, a definite racial temperament and a fixed set of group-habits by which conflicting interests are more readily comprehended and adjusted — in short, the social solidarity and cohesiveness which come only from a common language and a common heritage — all these factors, so interwoven in French and English community life, and so essential in facilitating the maintenance of law, are utterly unknown in many of the towns and cities of the United States. Our larger cities, indeed, are often divided by more or less well defined lines into nationalistic sections: Italians, Chinese, Poles, Russians, Czechs, Slavs, each with their own districts, where they settle in colony fashion. Here, frequently in comparative isolation, they speak their own language, read their own newspapers, maintain their own churches and their peculiar social life. Occasionally the so-called foreign-section of a city comprises within a narrow area a heterogeneous mixture of races. In a single ward in St. Louis — to use an illustration that could be duplicated many times — are 900 Austro-Hungarians, 830 Irish, 2301 Germans, 2527 Italians, 7534 Russians and 493 Roumanians — all of them foreign-born — in addition to 14,067 native residents of foreign parentage and 1602 negroes.[1] The official census proclamation of 1920 in New York City was printed in 22 languages.

It is this complex problem of nationality that the police are called upon to grapple with. They must enforce the same laws among a score of races and maintain a standard of conduct in a population coming from radically dif-

[1] Personally communicated.

ferent environments. They must be prepared to understand the criminal propensities of Sicilians and Poles, of Chinese and Russians. They must become expert in detecting crime characteristics as shown by twenty races. They must deal with people who have no knowledge of public health regulations or safety ordinances or of those sanitary laws which distinguish the modern city from the medieval town. They must have a ready knowledge of national customs and habits so as to be forearmed against an Italian festival, a Polish wedding or a Russian holiday. They must constantly realize that the juxtaposition of separate racial groups is a factor of potential disorder.

To see the London "Bobby" at work, dealing with people of his own race who understand him and whom he understands, is to learn a larger sympathy for his brother officer who walks the beat in New York, Chicago or San Francisco.

II. PREPONDERANCE OF CRIME IN AMERICA

The task of the police is further handicapped in the United States, as compared generally with Europe, by the greater volume of crime committed here. Police statistics show that crime is far more prevalent in American cities than in the cities of England, France or Germany.[1] The point will undoubtedly be made that inasmuch as the prime duty of the police is the prevention of crime, this unhappy condition is the *result* of our police ineffectiveness rather than one of the *causes* of it. In part this

[1] German criminal statistics after 1914 are not available, and French statistics since that date are unsatisfactory for the use of the careful student. The English statistics maintain their standard of excellence and completeness in spite of the war.

point is well taken, and it must be admitted that in assessing responsibility for the condition which we shall shortly describe, we are in a borderland where exact analysis is impossible. At the same time the large preponderance in America of certain types of crime which are, generally speaking, unaffected by police activity — such as premeditated murder and many kinds of commercial frauds — affords a basis for the belief that our greater comparative propensity to crime is to a certain degree due to the make-up of our population, quite apart from the inefficiency of our police forces. To that extent, therefore, this condition may be placed in the list of those external factors which complicate our police problem.

Comparative Statistics — Murder.

As to the fact of our excessive criminality, the statistics furnish startling evidence. London in 1916, with a population of seven millions and a quarter, had nine premeditated murders. Chicago, one-third the size of London, in the same period had 105, nearly twelve times London's total.[1] In the year 1916, indeed — and it was not an exceptional year — Chicago with its 2,500,000 people had twenty more murders than the whole of England and Wales put together with their 38,000,000 people.[2] The Chicago murders during this year total one

[1] These figures, in both instances, do not include abortion cases. I am indebted for my Chicago figures to the Bureau of Records of the Chicago police department which prepares perhaps the best analysis of homicidal deaths to be found anywhere in the United States. The London figures are from the annual reports of the Commissioner of the Metropolitan Police. It must be emphasized that these statistics in both instances are based not on judicial determinations, but on a police analysis of crime complaints.

[2] Figures obtained from the *Judicial Statistics of England and*

more than London had during the five year period from 1910 to 1914 inclusive. In 1917 Chicago had ten more murders than the whole of England and Wales and four more murders than all England, Wales and Scotland.[1] In 1918 Chicago had fourteen more murders than England and Wales. In 1919 the number of murders in Chicago was almost exactly six times the number committed in London. A tabulation of some of these statistics follows:[2]

	Murders				
	1914	*1915*	*1916*	*1917*	*1918*
England and Wales	92	81	85	81	81
Scotland	8	12	9	6	*
London	16	21	9	16	26
Liverpool	5	4	4	4	5
Chicago	87	77	105	91	95

* Figures not available.

But Chicago is not exceptional. Other American cities suffer equally from comparison with crime conditions abroad. New York City in 1916 had exactly six

Wales — Criminal Section (Table on police returns). These statistics are published annually by the Home Office. The figures quoted above — indeed the crime figures quoted in this entire section of the chapter — do not represent judicial findings — that is, they are not based on the results of trials. They are *complaints of crime*, or, as they are called in England, *crimes known to the police*, regardless of arrests, convictions, or the particular degrees of crime for which prisoners are sentenced. Thus the police in a given community might know that 100 burglaries had been committed in the course of a year. Perhaps 50 arrests are made and 40 convictions secured in varying degrees of burglary and housebreaking. The index of crime in that community is not found in the arrests or the convictions, but in the 100 burglaries known to the police to have been committed.

[1] Figures obtained from the *Judicial Statistics of Scotland*, published annually by the Scottish Office.

[2] Exclusive of abortion cases and infanticides.

times the number of homicides (murder and manslaughter) that London had for the same year, and only ten less homicides than all of England and Wales. In 1917 New York had six times more homicides than London, and exceeded the total homicides of England and Wales by 56. In 1918 New York again had six times more homicides than London, and exceeded the total homicides of England and Wales by 67.[1] This contrast cannot be attributed to the peculiar conditions in London induced by the war. In each of the years from 1914 to 1918 inclusive New York had more homicides than occurred in London during any three year period previous to the outbreak of the war in 1914.[2] A tabulation of homicide statistics follows:

[1] The New York figures are taken from the annual reports of the New York police department. The homicide figures in all instances are exclusive of abortion cases and vehicular accident and other criminal negligence cases. Every effort has been made to verify the accuracy of these statistics and careful studies have been undertaken in New York, Chicago and London (at Scotland Yard) to test their comparability.

[2] At the same time it cannot be denied that the war had some effect upon criminal statistics in England, although the reduction in homicides is not as marked as might be expected. The following table shows murders and manslaughters in London during the ten years preceding the war:

Year	*Murder*	*Manslaughter*	*Total homicides (murder and manslaughter)*
1904	19	30	49
1905	20	24	44
1906	16	20	36
1907	12	35	47
1908	18	35	53
1909	18	24	42
1910	21	22	43
1911	21	31	52
1912	24	40	64
1913	22	38	60

These figures, compiled from the reports of the London police, are

	Homicide (murder and manslaughter)[1]				
	1914	1915	1916	1917	1918
England and Wales	220	226	196	180	154
Scotland	39	57	53	29	*
London	46	45	31	39	37
Liverpool	8	8	8	9	5
Glasgow	11	23	18	11	9
New York	244	234	186	236	221
Chicago	216	198	255	253	222
Detroit	*	*	62	94	42
Washington, D. C.	26	25	24	24	27

* Figures not available.

Statistics of this kind could be multiplied at length. In the three year period 1916–1918 inclusive, Glasgow had 38 homicides; Philadelphia, which is only a trifle larger, had during this same period 281.[2] Liverpool and St. Louis are approximately the same size; in 1915 St. Louis had eleven times the number of homicides that Liverpool had, and in 1916 eight times the number.[3] Los Angeles, one-twentieth the size of London, had two more homicides in 1916 than London had for the same period; in 1917 she had ten more than London had. Cleveland, Ohio, one-tenth the size of London, had more than three

exclusive of abortions, infanticides, justifiable homicides and all vehicular accident and criminal negligence cases.

[1] Exclusive of abortions, infanticides and vehicular accident and other criminal negligence cases. New York and Chicago figures are based upon police reports, except the 1915 New York figure, which is based on a personal examination of the records. This examination showed twelve more homicides than were indicated in the annual report.

[2] Philadelphia statistics from annual reports, Bureau of Police.

[3] The St. Louis statistics were obtained from the police department records.

times the number of homicides in 1917 and approximately twice the number in 1918.[1]

The chief constable for Edinburgh in his annual report for 1915 wrote as follows: "I regret to state that while crimes against the person have considerably decreased, a number of serious crimes under the heading of homicide were reported during the year — namely, one murder, one attempted murder, and five cases of culpable homicide."[2] The one murder was an abortion case; two of the culpable homicides were cases in which infants had died from neglect; a third was a vehicular accident case; and two others, "after full investigation by the Crown Authorities were not proceeded with."[3] Edinburgh is a city in excess of 300,000 population. Surely a chief of police in an American city of equal size would have reasons for pride rather than regret if he could point to such a record.

We have already noted that as a result of the war reliable crime statistics are not available in Continental Europe. It is pertinent to note, however, that for a long time before the war Berlin had an average of 25 murders a year, and Vienna an average of nineteen.[4]

[1] Statistics obtained from police records.

[2] *Report on Crime and the Police Establishment, 1915*, p. 6.

[3] *Ibid.* In his report for 1918 the chief constable of Edinburgh says: "The only crime of a serious nature recorded during the year was that of a young unmarried woman charged with culpable homicide." This was an infanticide case (p. 8). In his report for 1919 this same official said: "I regret to state that while crime has slightly decreased during the year, crimes against the person have considerably increased. . . . Two cases of murder and one case of culpable homicide were reported to the police during the year." These cases included one abortion and one vehicular accident case. (p. 8.)

[4] These figures I verified in 1914 at police headquarters in *Alexanderplatz*, Berlin, and at the *Agentenreferat* in Vienna.

Comparative Statistics — Burglary.

Equally significant is the comparison of burglary statistics between Great Britain and the United States. In 1915, for example, New York City had approximately eight times as many burglaries as London had in the same period, and nearly twice the number of burglaries reported in all England and Wales.[1] In 1917 New York had four times as many burglaries as London, and approximately the same number as occurred in England and Wales. In 1918 the burglaries which the police reported in New York were approximately two and a half times those in London.[2] While war conditions undoubtedly served to heighten this contrast, they were by no means entirely responsible for it; in 1915 New York City had more burglaries than occurred in all England and Wales in 1911, 1912, or 1913.[3] Chicago in 1916 had 532 more burglaries than London, in 1917, 3459 more, in 1918, 866 more, and in 1919, 2146 more. Detroit and Cleveland generally report several hundred

[1] In New York there were 11,652 burglaries in 1915; in London 1,459; in England and Wales 6,737. In order to establish a comparison I have grouped within the classification "burglary" several crimes which in England are listed under such titles as housebreaking, shop-breaking, sacrilege, etc. The crime burglary as used in the above comparison includes housebreaking by day or night.

[2] It seems probable that these New York figures for 1918 represent an under-statement of the actual number of burglaries.

[3] The burglaries occurring in London and in England and Wales from 1910–1915 inclusive are as follows:

Year	*London*	*England and Wales*
1910	3,057	12,215
1911	3,048	11,045
1912	2,974	11,112
1913	2,911	11,166
1914	2,352	9,844
1915	1,459	6,737

more burglaries per annum than London, although London is seven or eight times larger. In each of these two cities in 1917 and 1918 the number of burglaries averaged one-fourth the number committed in all England and Wales. The annual burglaries in St. Louis always exceed those in London.

A table of burglaries follows:

Burglary, including housebreaking by day or night, shop-breaking, sacrilege, etc.[1]

	1916	1917	1918
England and Wales	7,809	9,453	10,331
Scotland	3,977	5,073	*
London	1,581	2,164	2,777
Liverpool	1,135	1,361	1,136
New York	*	9,450	7,412
Chicago	2,113	5,623	3,643
Detroit	2,736	3,080	2,047
Cleveland	*	2,752	2,608
St. Louis	3,212	2,483	2,989

* Figures not available.

The disproportionate number of burglaries occurring in American cities as compared with English cities is reflected in the prevailing burglary insurance rates of the two countries. Due to differences in insurance practices

[1] The American figures in this table are taken from police department records. Their accuracy cannot be vouched for, because in many of our departments, complaints of crime are deliberately and systematically concealed. It can safely be assumed, however, that these figures represent an under-statement rather than an over-statement. The English statistics, on the other hand, are kept with meticulous care, and after a careful study of the records and methods at Scotland Yard and elsewhere in Great Britain, I do not believe that complaints of crime are ever concealed to avoid unfavorable appearances.

and methods, exact comparisons are impossible, but enough has been gathered from careful investigation to warrant the general conclusion that burglary rates in American municipalities are from fifteen to twenty times higher than in the principal cities of England.[1]

Comparative Statistics — Robbery.

Even more startling are the statistics of robbery.[2] New York City in 1915 reported 838 robberies and assaults with intent to rob where London had 20, and England, Wales and Scotland together had 102. In 1916 New York had 886 such crimes to London's nineteen, and England, Wales and Scotland's 227. In 1917 New York reported 864 to London's 38, while England, Wales and Scotland reported 233. In 1918 New York had 849, while London had 63 and England and Wales had 100. This contrast is by no means ascribable to war conditions, although such conditions undoubtedly heightened it. In each of the four years from 1915 to 1918 inclusive, New York City had from four to five times more robberies than occurred in all England and Wales in any one of the five years preceding the war.

[1] This statement is based on quite a detailed study of burglary insurance in London and New York and I am indebted to various insurance company representatives in both cities for their courtesy and assistance. An interesting comparison in burglary insurance rates for private residences is possible between different American cities. The rates prevailing in June, 1920, for seven municipalities are as follows: Chicago and San Francisco, $19.80 per thousand; New York, St. Louis and Detroit, $16.50 per thousand; Atlanta, $13.75 per thousand; Boston, $11.00 per thousand.

[2] The astonishing discrepancy in these statistics led to a careful investigation. The legal definitions of robbery are practically identical on both sides of the Atlantic. The fact remains that highway robberies or "hold-ups" do not occur in Great Britain with anything like the frequency they do in America.

Practically the same proportion exists between Chicago's robberies and those in Great Britain. In 1918, for example, Chicago had 22 robberies for every one robbery in London and 14 robberies for every one robbery in England and Wales. Washington, D. C., in 1916 had four times the number of robberies that London reported; in 1917 three times the number; and in 1918 one and one-half times the number. Los Angeles in 1916 had 64 more robberies than all of England, Wales and Scotland put together; in 1917 she had 126 more than these three countries. Cities like St. Louis and Detroit, in their statistics of robbery and assault with intent to rob, frequently show annual totals varying from three times to five times greater than the number of such crimes reported for the whole of Great Britain. Liverpool is about one and a third times larger than Cleveland, and yet in 1919 Cleveland reported 31 robberies for every one reported in Liverpool.

Comparative Statistics — Miscellaneous.

Differences in definition and classification of crime between England and America make it difficult to push the comparison much further. One or two illustrations, however, may be noted to emphasize the contrast developed in the foregoing statistics. Automobile thefts are much more prevalent in America than in Great Britain, as is shown by the following table:

Thefts of automobiles reported in 1919 [1]

New York	5527
Chicago	4316

[1] Figures in all cases obtained from the police records. I am

Detroit	3482
St. Louis	1244
Cleveland	2327
Buffalo	986
London	290
Liverpool	10

Comparative statistics as to the number of automobiles in American and English cities are impossible to obtain, but it is probably a fair assumption that the proportionate excess of thefts in the United States far exceeds the admittedly larger supply of machines in our communities as compared with the communities of Great Britain.

Similarly in comparing the total number of arrests for all crimes and offenses in the United States and Great Britain, one is struck by the high figures in American cities.[1] The number of arrests in Boston for the year 1917 exceeded the number of arrests in London for the same year by 32,520. Philadelphia's arrests for 1917 exceeded London's by 20,005. Chicago's arrests for 1917 exceeded London's by 61,874. New York's arrests for this same period exceeded London's by 111,877. Indeed New York had almost two and a half times

especially indebted to the Honorable Trevor Bigham, assistant commissioner at Scotland Yard, for his courtesy in aiding me to obtain the London figures.

[1] Figures of arrests must always be taken with some qualification, as they are subject to various interpretations. They may denote crime conditions, or excessive zeal on the part of the police, or too many laws and regulations to be observed, or any one of half a dozen other situations. Because in this case the American arrests exceed the English arrests by such large figures, I have felt free to use the comparison as at least throwing some further light on criminality in the United States.

as many arrests in 1917 as were made in London. Glasgow with an estimated population of a third of a million larger than either St. Louis or Boston, recorded in 1918 22,290 arrests and summonses, while St. Louis in the same period showed 54,400 and Boston 90,293. This same disproportion is to be found in cities of lesser size.

Relation of Heterogeneity to Crime.

To what extent the excessive volume of crime in America is attributable to the heterogeneity of our population cannot be precisely determined. Even where they exist at all, our criminal statistics are so crude and incomplete that deductions are difficult to make and when made are little better than rough estimates. The number of arrests in the course of a year is practically the only classification available for our purposes, and the fact that this basis of measurement makes no allowance for unsolved crimes or for cases subsequently discharged in court, shows its unsatisfactory character. However as an indication of the causal connection between the presence in America of large numbers of foreign races, uprooted and often adrift, and our overwhelming preponderance of crime, the figures of arrest may profitably be studied. They show, for example, that Irish-born inhabitants of Boston, constituting 9.8% of the population, are charged with 15% of the total arrests.[1] In New York City the Russian-born inhabitants, constituting 10.15% of the population, are credited with 20% of the total arraignments before the magistrates' courts, while the Italian-

[1] Calculation based on U. S. Census report and Annual Report of the Police Department for 1918.

born, who equal 7.15% of the population, have 11.8% of the arraignments.[1] The total figure of arraignments before the magistrates' courts in New York for 1917 can be calculated as follows:

Nativity	*Percentage of total population*	*Percentage of total arraignments*
Foreign born	40.8%	52.9%
Native born (of native, foreign or mixed parentage)	59.2	47.1

These figures, however, are largely made up of misdemeanors, including violations of sanitary regulations, health ordinances, etc., which as far as the foreigner is concerned may be often the result of ignorance. Certainly they do not necessarily imply criminality. A fairer judgment can be based on cases of felony as distinguished from misdemeanor. Arrests for felony in 1918 in Chicago, for example, can be illustrated as follows:[2]

Country of Origin	*Percentage of total population*	*Percentage of total felony arrests*
U. S. white	62.1%	55.1%
U. S. colored	2.0	13.2
Poles	5.8	6.4
Russia	5.6	5.9
Italy	2.06	4.3
Germany	8.3	2.4
Lithuania (including Letts)	.9	2.3
Other nationalities	12.+	10.+

[1] Calculations based on Annual Report of City Magistrates for 1917.

[2] Compiled from annual police report of Chicago for 1918.

This can further be illustrated by figures showing the respective percentages of felony arrests and misdemeanor arrests in the total arrests of each of the above nationalities: [1]

Nationality	*Percentage of felony arrests*	*Percentage of misdemeanor arrests*
U. S. white	9.97%	90.03%
U. S. colored	15.8	84.2
Poles	11.3	88.7
Russia	15.97	84.03
Italy	15.3	84.7
Germany	11.5	88.5
Lithuania	14.6	88.4
Other nationalities	8.5	91.5

The problem presented by the colored race is shown in the following statistics of arrest from Washington, D. C., for the year 1919: [2]

	Percentage of total population	*Percentage of total arrests*
White	71.5%	57.57%
Colored	28.5	42.43

Another calculation follows showing the number of arrests for serious offenses in the same city for the same year: [3]

[1] *Ibid.*

[2] Compiled from annual report of the Metropolitan Police of the District of Columbia for 1919.

[3] *Ibid.* Similar statistics are obtainable in other cities which have large colored populations.

Nature of Offense	*Number of Arrests*	
	White (constituting 71.5% of population)	*Colored* (constituting 28.5% of population)
Murder	15	34
Manslaughter	6	8
Assault with dangerous weapon	33	249
Assault with intent to kill	6	10
Housebreaking	139	323
Robbery	40	283

An intensive study of homicide records furnishes similarly interesting results. For example, the general homicide return for New York City in 1915, exclusive of abortions, vehicular accidents and justifiable homicides, shows that 240 cases were known to the police in which a total of 251 persons were killed.[1] Of this number, six were infants below the age of one year, and one was an adult who was never identified. Distributing the remaining 244 decedents according to nativity we find that 93 were born in the United States of native parents, 26 were natives of the United States with foreign-born parents, and 125 were foreign-born. Of the 240 cases, arrests were made in 161, and 222 persons were charged with homicide. Of the 222, 60 were natives of native parentage, 65 were born in Italy, while twelve others were native-born of Italian parentage. The Russian-born numbered 21, and the native-born of Irish parentage were next in order with a total of nineteen.[2]

[1] These statistics are the result of personal research at Police Headquarters in New York.

[2] The complete list of the nativities of the 222 persons apprehended

The Chicago Police Department reported 77 cases of premeditated murder for the year 1915, accounting for the death of 77 people. Of the 59 persons arrested on the charges of murder and accessory to murder, 25 were native whites, nineteen were Italians, ten were native negroes, two were Poles, and three were of other nationalities.[1]

was as follows: Italy, 65; United States, 60; Russia, 21; United States (parents Ireland), 19; United States (parents Italy), 12; Austria, 11; United States (parents Germany), 8; Ireland, 7; Germany, 4; United States (parents Austria), 3; England, 1; England (parents Russia), 1; Finland, 1; Greece, 1; Hawaiian Islands, 1; Hungary, 1; Scotland, 1; Turkey, 1; United States (parents Canada), 1; United States (parents Russia), 1; United States (parents Sweden), 1; West Indies, 1.

It is possible to push this analysis a little further. We have seen that arrests were made in 161 of the 240 cases of homicide known to the police. In 27 cases the perpetrators committed suicide, in one case the perpetrator was killed, so that there remained 51 cases which were not solved by the police and in which no arrests were made. Considerable importance attaches to these cases, as unsolved crimes are more likely to be planned by the wary and seasoned criminal. In homicides, the very fact that no clue is left may indicate greater caution and more carefully laid plans. To include in the calculation, therefore, only those cases in which arrests have been made, is to eliminate the most dangerous and vicious crimes and criminals. For these reasons a careful examination was made of the Detective Bureau records pertaining to the 51 unsolved murder cases, and personal interviews were had with the detectives having the cases in charge. In many of them, while the perpetrator was known with reasonable certainty, the evidence was not sufficient to warrant an arrest. On the basis of this calculation, of the 51 unsolved cases, 31 can with reasonable accuracy be charged to natives of Italy; 4 perpetrators are believed to be natives of the United States, one a native of Irish parentage, and one an Austrian. In 14 cases no clue whatever was established.

[1] A study similar to that carried on in New York was made of Chicago's 1915 cases. As in New York, it consisted of close examination of the Detective Bureau records and consultation with the detectives. The unsolved cases amount to 30 cases of murder and 10 cases of manslaughter, and the perpetrators can with reasonable certainty be distributed among the following nationalities: United States (white), 6; United States (colored), 6; United States (parents Polish), 1; United States (parents Irish), 1; Italian, 13; Poland, 2; Russia, 2; Serbian, 1; Turk, 1; Chinese, 1; no clue, 6.

In St. Louis during 1915 there were 71 cases of murder and manslaughter [1] in which there were 71 decedents and 72 perpetrators. The nativity of the perpetrators in these cases almost coincided with the nativity of the decedents. Of native whites there were 34 decedents and 35 perpetrators; of the native colored there were twenty decedents and 24 perpetrators; seven decedents were of Italian parentage as were six perpetrators; there were three Albanian decedents and two Albanian perpetrators; seven decedents of other nationalities, with five perpetrators of other nationalities.[2]

In Memphis in 1915 there were 76 cases of murder and manslaughter in which 78 people were killed. Of the persons killed, nineteen were white and 59 were colored. Of the 77 alleged perpetrators, the whites numbered seventeen, the colored 53, unknown four, patrolmen in the performance of duty, three.[3]

In Washington, D. C., in the five years between 1915 and 1919, 143 homicides were committed. In all but five of these cases the police succeeded in apprehending the persons charged with the crime. Of the 138 cases thus

[1] This figure does not include abortions, justifiable homicides or criminal carelessness cases. Arrests were made in 56 cases, in two the perpetrators committed suicide and thirteen remained unsolved by the police.

[2] These statistics were gathered by personal research. It is worthy of note that in St. Louis in this period (1915) one negro was charged with murder or manslaughter for every 1,832 of the colored population, and one white was charged with the same offense for every 13,385 of the population.

[3] Arrests were made in 37 cases, 15 of the perpetrators being white and 22 being colored. Of the remaining 36 unsolved cases, two white perpetrators were known but not apprehended, 29 colored perpetrators were unapprehended, four cases remained without clue, and one perpetrator committed suicide. (Statistics gathered by personal research.)

cleared up, 45 were committed by white persons and 93 by negroes.[1] Of the 45 white persons, five were foreigners.

Calculations such as these furnish indisputable evidence that America's crime rate is greatly augmented by the presence of unassimilated or poorly assimilated races. It must not be supposed, however, that our foreign and colored population is the sole cause of our excessive crime rate. If the offenses of our foreign and colored races were stricken from the calculation, our crime record would still greatly exceed the record of Western Europe. With

[1] The complete tabulation of these homicides is as follows:

	1915	*1916*	*1917*	*1918*	*1919*	*Total*
Total number of homicides....	25	24	24	26	44	143
Cleared up	25	23	24	26	40	138
Not cleared up	0	1	0	0	4	5
Committed by whites	13	5	9	4	14	45
Committed by negroes	12	18	15	22	26	93
The details of the above totals are as follows:						
White men killed by negroes..	0	2	3	5	4	14
Negroes killed by white men..	2	1	1	0	3	7
White men killed by white women	0	1	0	0	1	2
White women killed by white men	4	2	3	3	3	15
Negro women killed by negro men	6	7	4	4	4	25
Negro men killed by negro women	0	0	2	0	3	5
Negro men killed by negro men	7	9	6	13	15	50
White men killed by white men	6	1	5	1	7	20

The above figures, which were furnished through the courtesy of the late Major Pullman of the Washington force, are exclusive of abortions, infanticides, and justifiable homicides. The record made by the police of Washington, D. C., in clearing up all but five cases out of 143 is most unusual and compares favorably with the best records of European police departments. As will be noted by the above table, the Washington police department in three different twelve-month periods scored a hundred per cent record in their work. In some cities the record of homicide cases cleared up is only thirty and forty per cent of the total.

all its kindliness and good nature, the temper of our communities contains a strong strain of violence. We condone violence and shirk its punishment. We lack a high instinct for order. We lack a sense of the dignity of obedience to restraint which is demanded for the common good. We lack a certain respect for our own security and the terms upon which civilized communities keep the peace.

"There is probably more undisciplined, egotistic, mischievous force in the United States than in any country of first rank in the world." [1] This indictment, framed by an indignant newspaper, is scarcely exaggerated. There is hardly a community where its accuracy is not vindicated. It is little wonder, therefore, that the task which we have set before our police has all but proved impossible.

III. THE LAW'S DELAYS, THE COURTS, AND THE PUBLIC

The police are but one part of the machinery of justice. Their function is to maintain order and if necessary apprehend offenders. With the prosecution, trial and punishment of these offenders, however, they have little to do. They start the process but they do not finish it. The prosecuting attorneys' offices, the courts and the prisons take up the thread of their work where the police leave it. The operation of justice is a single operation working through a number of agencies.

It follows, therefore, that the effectiveness of the police cannot be judged apart from the effectiveness of

[1] Chicago *Tribune* (Paris edition), January 31, 1919.

other agencies with which they are associated in working for a common end. If the district attorney's office is lax in its prosecutions, if legal procedure makes for delay and uncertainty, if the court is slothful or open to unworthy influence in its decisions, the ends of justice for which the police are working are apt to be defeated. The failure of a single agency impairs the work of all.

This is a point which cannot be too strongly emphasized. In the popular mind the police are often held responsible for results over which they have no control. They share the ignominy which belongs to other parts of the machine, as well as the discouragement of association with an enterprise which so often fails. Efficient work on their part in the detection of a criminal, for example, or in the prevention of an abuse, stands an excellent chance of being mangled and destroyed in the subsequent processes. Indeed, without the support of an administration of justice that is prompt and certain, consistently effective police work is out of the question.

It is, of course, a notorious fact that such support is not given our police forces. There is no part of its work in which American law fails so absolutely and so ludicrously as in the conviction and punishment of criminals. "It is not too much to say," said President Taft in 1909, "that the administration of criminal law in this country is a disgrace to our civilization, and that the prevalence of crime and fraud, which here is greatly in excess of that in European countries, is due largely to the failure of the law and its administration to bring criminals to justice." [1]

[1] Chicago Speech, September, 1909. Quoted in *The Reform of Legal Procedure* by Moorfield Storey, Yale University Press, 1911, p. 3.

The Technicalities of Procedure.

Space is not available for more than a hasty discussion of this important factor. In the first place, our legal procedure with its red tape and technicalities is fantastically employed to aid the criminal. When a verdict of murder is set aside because the word "aforethought" is omitted after the word "malice";[1] when a man convicted of assault with intent to kill is freed because the copying clerk left out the letter *l* in the word *malice;*[2] when an indictment for rape is held defective because it concluded "against the peace and dignity of State" instead of "against the peace and dignity of *the* State";[3] when another murderer is discharged because the prosecution neglected to prove that the real name of the victim and his alias represented one and the same person;[4] when a horse-thief is released because the indictment ended in the words "against the peace and dignity of the state of *W.* Virginia," instead of "against the peace and dignity of the state of *West* Virginia"[5]— briefly, when in a manner utterly unknown in Europe, such absurdities can be spun to defeat the ends of justice, it is not surprising that the police are slack and careless.[6] The morale of the best

[1] Etheridge *vs.* State, 141 Ala. 29.
[2] Wood *vs.* State, 50 Ala. 144.
[3] State *vs.* Campbell, 210 Mo., 202.
[4] Goodlove *vs.* State, 82 O. S. 365.
[5] Lemons *vs.* State, 4 W. Va. 755.
[6] Although there are a few recent cases, I believe that the courts as a whole are less inclined than formerly to upset convictions because of faulty indictments. See *Garland vs. Washington,* 232 U. S. 642 (1914), overruling *Crain vs. U. S.,* 162 U. S. 625 (1896). See also *Valdez vs. U. S.,* 244 U. S. 432. It is noteworthy too that Congress in 1919 passed the following amendment to the Judicial Code:

"Sec. 269. All of the said courts shall have power to grant new trials, in cases where there has been a trial by jury, for reasons

police organization in the world would soon be broken down in such an environment. "It 's small satisfaction to catch the crooks," a chief of detectives told me, "when you know all the time that some sharp legal trick will be used to turn them free."

A member of the Alabama Bar, addressing the Bar Association of that State, said: "I have examined about 75 murder cases that found their way into the reports of Alabama. More than half of those cases were reversed and not a single one of them on any matter that went to the merits of the case; and very few of them upon any matter that could have influenced the jury in reaching a verdict." [1] This same story comes from all over the country.

Again, the special defenses which the common law throws about the defendant have been so interpreted and developed as to afford the accused a degree of protection out of all relation to modern conditions. The principle that no person shall be compelled to give evidence against

for which new trials have usually been granted in the courts of law. On the hearing of any appeal, *certiorari*, writ of error, or motion for a new trial, in any case, civil or criminal, the court shall give judgment after an examination of the entire record before the court without regard to technical errors or defects or to exceptions which do not affect the substantial rights of the parties."

This reform has in substance been adopted in the following 25 states: Alabama, Arizona, California, Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, Ohio, Oklahoma, Pennsylvania, Texas, Wisconsin and Wyoming. (A summary of the statutes and decisions in these states is to be found in 66 U. of P. L. Rev. 12. For further discussion see Third Annual Report of the Standing Committee of the American Bar Association to Suggest Remedies and Propose Laws Relating to Procedure, dated June 10, 1919.)

[1] Storey, *loc. cit.*, p. 231.

himself, or shall be placed twice in jeopardy for the same offense, furnishes the basis for constantly recurring perversions of justice upon which foreign jurists look with amazement. The accused has wide privileges of challenge in the choice of a jury which are denied the prosecution; he cannot be made to take the stand in his own defense and his failure to do so cannot be used against him; he has the right of appeal to higher courts while the state has none. As many prosecuting officers have pointed out, the criminal law in America is a game in which the defendant is given every chance to escape, fair and unfair, while every possible obstacle is placed in the way of the prosecution. To such an extent has this situation developed that under present conditions it would seem to be the community that stands in need of protection rather than the criminal.[1] "The wonder now is not that so many guilty men escape," said a prominent member of the Philadelphia Bar, "but that under our present system any guilty men are ever convicted. Where they have money enough to employ the most able counsel and to take advantage of every delay and technicality available, they practically never are convicted." [2]

In a single year in Oregon — to use an illustration that could be duplicated everywhere — there occurred 56 homicides. Forty-six of the offenders were arrested.

[1] "The fact is that our administration of criminal law has as nearly reached perfection in guarding the innocent (and guilty) from conviction as is possible for any human institution; but in securing the safety and order of the community by the conviction of the guilty, it is woefully inadequate." Judge Carl Nott in *Coddling the Criminal, Atlantic Monthly*, February, 1911.

[2] Samuel Scoville, Jr., in *The Evolution of Our Criminal Procedure*, Annals of the American Academy of Political and Social Science, March, 1914.

Of these, ten committed suicide and 36 were held for trial. Of the 36, only three were convicted at all, and of these only one for murder in the first degree.[1] In 1913 in the City of New York there were 323 homicides, 185 arrests and only 80 convictions. Of the 80 convictions, ten received death sentences. In 1914 in the same city there were 292 homicides, 185 arrests and 66 convictions. Of the 66 convictions, six received death sentences.[2] In 1917 in New York there were 236 homicides, 280 arrests and 67 convictions, of which nine received death sentences. In 1918 in the same city there were 221 homicides, 256 arrests, and 77 convictions, of which six received death sentences.[3] In Detroit during the fiscal year 1917 there were 89 murders, 104 arrests, and fourteen convictions; in the fiscal year 1918, there were 71 murders, 147 arrests and 22 convictions.[4] The annual homicide calculations of the Chicago *Tribune,* which, after careful checking, seem to be as accurate as any criminal statistics can be under our present system, indicate the following facts regarding culpable homicide in the United States:[5]

[1] Reports of the American Bar Association, 1908, p. 495.

[2] See *Report of a Study of the Homicide Records, New York Police Department,* 1913–14, prepared by the Bureau of Municipal Research, March, 1915.

[3] See annual Report, New York Police Department, 1918.

[4] In the same city in 1917 there were 843 robberies, 494 arrests and 115 convictions, while in 1918 there were 688 robberies, 458 arrests, and 101 convictions. (See Annual Report of Detroit Police, 1918.)

[5] These figures are exclusive of infanticide, justifiable and excusable homicide, and all vehicular and other accident cases. I use these figures because from all facts which I can secure they seem to represent an understatement rather than an overstatement. They are substantially supported by the annual homicide analyses of Mr. Frederick L. Hoffman, published in the *Spectator* (see, for example,

Year	*Total number of culpable homicides*	*Total number of legal executions*
1916	8,372	115
1917	7,803	85
1918	7,667	85

In England the situation is far different. Any volume of judicial statistics or any report of the Police Commissioner of London bears out the contrast. In 1904, for example, in London — to pick up a random report — there were twenty cases of premeditated murder. In six the perpetrators committed suicide; one man was sent immediately to an asylum, and one escaped to Italy. Of the twelve persons arrested and brought to trial, one was acquitted, five were adjudged insane and confined in an asylum, and six were sentenced to death. In 1917 in the same city, there were 19 premeditated murders. Three cases remained unsolved; five perpetrators committed suicide, and eleven were arrested. Of the eleven arrests, there were eight convictions. In the whole of England and Wales for 1916, 85 murders were committed and 59 people arrested in connection therewith were committed for trial. Fifty-three trials resulted during the year. Twelve of the accused were found insane on arraignment and were confined; sixteen were found guilty but were adjudged insane and confined; ten were acquitted, and fifteen were sentenced to death.[1]

It was from England that we borrowed the foundations

Vol. XCV, No. 26). No more emphatic commentary could be made upon the lamentable condition of criminal statistics in the United States than the bare statement that calculations such as these are not based upon exact information.

[1] Judicial Statistics for England and Wales, 1916.

of our criminal system. The special position of the accused, the assumption of innocence until guilt is proved, our jury system, in fact our whole attitude and point of view in regard to the man on trial, are of English origin, and were handed down from generation to generation before they were carried to America. It is an inescapable conclusion, however, that the English machine works smoothly and effectively while ours does not. A parasitic growth of technicality and intricacy has thwarted and choked our whole criminal process.

The Delays of Justice.

The delays of the courts furnish another reason for the failure of our administration of justice. A random examination of almost any volume of appellate court decisions will fully substantiate this charge. For example, in Illinois one Sam Siracusa was tried for murder in October, 1913, and pleaded guilty. On a writ of error the case was carried to the Supreme Court of Illinois where judgment was affirmed exactly three years from the date of conviction. The case was not finally disposed of until three months later when a rehearing was denied.[1] Dominick Delfino was convicted of murder in Pennsylvania in October, 1916. One year and three months later the judgment was affirmed.[2] In New York Charles Sprague was convicted of murder on February 8, 1912. Judgment was affirmed by the Court of Appeals four years and one month later.[3] Oresto Shilitano in the same state was convicted of murder on March 6, 1914.

[1] 275 Ill. 457.
[2] 259 Pa. State 272.
[3] 217 N. Y. 373.

Judgment was affirmed two years and two months later.[1] Similarly, Leo Urban was found guilty in New York of robbery in the first degree on December 14, 1915. Judgment was affirmed by the Court of Appeals July 3, 1917.[2] These are not unusual cases. They are picked at random from miscellaneous law reports.

A study of criminal court dockets brings similar results. For example — to cite a single case out of many at hand — one Ben Kuzios was indicted in Chicago on May 16, 1917, for assault with intent to rob. He was found guilty on July 25, 1917, a motion for a new trial was over-ruled, and he was sentenced to the penitentiary. A week later his attorney entered another motion for a new trial and the prisoner was released on bail. The transcript from the docket tells the rest of the story:

Aug. 24, 1917 — motion for new trial continued to October term.
Nov. 3, 1917 — motion for new trial continued to Nov. 7, 1917.
Nov. 7, 1917 — motion for new trial continued to Nov. 14, 1917.
Nov. 14, 1917 — motion for new trial continued to Nov. 28, 1917.
Nov. 28, 1917 — bail forfeiture and *capias* issued.
Oct. 22, 1918 — motion for new trial continued to Nov. 12, 1918.
Nov. 26, 1918 — order of court, cause off call.
Jan. 29, 1919 — order of court, cause set for Feb. 1, 1919.
Feb. 1, 1919 — motion new trial granted. Prisoner released on $500.00 bail.

[1] 218 N. Y. 161. [2] 36 N. Y. Crim. 70.

Feb. 18, 1919 — judgment in bond forfeiture, heretofore entered, set aside by order of county commissioners; costs paid.

Sept. 22, 1919 — on motion of defendant, cause continued to October 21, 1919.

Oct. 22, 1919 — by agreement cause continued to Oct. 30, 1919.

Nov. 6, 1919 — former verdict of guilty set aside.[1]

Records of this kind are not exceptional. They are commonplace occurrences with which every prosecuting attorney is familiar.

Radically different is the situation in Great Britain. Under the English law appeals to the Court of Criminal Appeal must be taken within ten days after conviction. Ordinarily the court renders its decision in from seventeen to twenty-one days, although in murder cases involving the death penalty this period is often shortened. An appeal never postpones execution in a capital case by more than three weeks. Thus, William Wright was convicted of murder at the London Assizes on February 2, 1920; his appeal was filed on February 10, was denied on February 23, and he was hanged on March 10. George Lucas was convicted of murder on January 15, 1920; his appeal was filed on January 17 and was dismissed on February 2. Andrew Fraser was convicted of murder on February 19, 1920; his appeal was filed on February 27 and was denied on March 8.[2]

[1] Records of the clerk of the Criminal Court, Docket 11,413. This transcript and many others of similar nature have been published in the bulletins of the *Chicago Crime Commission* during 1919 and 1920.

[2] The Court of Criminal Appeal, which was established in 1907, sits in London with jurisdiction over England and Wales. (7 Edw.

In this fashion it would be possible to quote case after case from the records which the Registrar of the Court of Criminal Appeal kindly placed at the writer's disposal. One gets the impression of a swiftly moving, silent machine — the embodiment of the certainty of justice in England.

The same impression is gained by one who watches the conduct of English criminal trials. The business of choosing a jury is a matter of minutes only.[1] The judge

7. ch. 23). It is composed of the Lord Chief Justice of England and eight judges of the King's Bench Division of the High Court. The following table shows convictions quashed and sentences reduced by the Court of Criminal Appeal from its inauguration to date. The figures for 1915 and 1916 are not available.

Year	*Appellants*	*Convictions quashed*	*Sentences reduced*
1909	627	27	39
1910	706	39	42
1911	679	25	31
1912	664	30	17
1913	655	31	47
1914	554	25	35
1917	299	16	16
1918	285	10	21
1919	355	17	17

The word "appellants" includes all persons who have appealed either against their conviction on a point of law or against their sentence as of right, or who have applied to the court for leave to appeal against conviction or against sentence, or against both conviction and sentence. There have been a very few cases where the sentence has been increased by order of the Court of Criminal Appeal, although in most cases where an unsuccessful application for leave to appeal is made to the court, the time from the signing of the notice of appeal to the final refusal of leave to appeal does not count as part of the sentence of the appellant, and so his term of imprisonment is automatically increased to that extent.

[1] In New York when Thaw was tried, and in Tennessee when the murderers of Senator Carmack were at the bar, weeks elapsed in choosing a jury. In the selection of a jury to try Calhoun in San Francisco, 91 days were consumed. To obtain a jury to try Cornelius Shea in Chicago, 9,425 jurymen were summoned, of whom 4,821 were examined, the cost of jury fees alone being more than $13,000. See Storey, *loc. cit.*, p. 210.

takes an astonishingly prominent part in the proceedings in a manner that an American judge would scarcely dare do, examining witnesses, instructing counsel and openly exerting his influence to guide the jury. He does not hesitate to comment upon the failure of a defendant to take the stand in his own behalf, and his general conduct of the case is such that in almost any state in the Union there would be no difficulty in securing a reversal by an appellate court on any one of a dozen technical points. The unrestricted flow of objections to questions by opposing counsel on the grounds of irrelevancy, incompetency and immateriality which forms so conspicuous a part of an American trial, is surprisingly absent. The proceedings are direct, simple and even colloquial. They would be intelligible to a layman. There are no hypothetical questions, no haggling over the admission of evidence. Counsel on both sides give the appearance of striving to arrive at the truth by the quickest and most direct route. On direct examination the questions of the attorneys are often "leading" questions and are put without objection. Thus they do not hesitate to ask their witnesses such questions as this: "Did you look through the door and see the defendant speaking with Williams, and after a few seconds did you see him fire a shot?" In an American trial it would take a dozen questions and answers to elicit this information, and each of them would likely involve objection and argument.

Briefly, our criminal procedure not only makes delay possible but encourages it. Our methods are formal, diffuse, and inflexible; we are enmeshed in technicalities which we revere as the attributes of justice, confusing

them with the essentials of a criminal system. We do not seem to realize that simplicity, directness and a moderate degree of speed are consistent with fair, impartial trials.

Faulty Personnel.

Another contributing factor in the failure of our administration of justice lies in the poor quality of some of our magistrates and prosecuting officers. On no point are policemen throughout the country so unanimous as in their emphatically expressed opinion that they are not fairly or properly supported by the prosecuting attorneys and the courts. And it must be admitted that the charge is not without considerable substantiation. From Massachusetts comes the authenticated story of the county attorney who on the last day of his term quashed 200 cases without consulting the complainant officers. From the police in many other states there are allegations, often with specifications, of prosecuting attorneys conniving at the acquittal or inadequate punishment of criminals. Indictments remain untried and accumulate on the calendars of the courts, often dating back as far as three and four years, with the result that witnesses leave the jurisdiction and evidence disappears. The abuse and misuse of the bail system are notorious.[1] Cases are often postponed to

[1] As illustrative of the abuse of the bail system, the Grand Jury of Cook County, Ill., in May, 1919, handed down a presentment in part as follows: "One of the most aggravated cases we have handled was the case of three notorious criminals who were indicted by this grand jury for robbery and hold-ups committed while out on bail. We fixed the bail at $25,000.00 in each case. When we handed these indictments to the judge we also requested him to prevent any reduction in the amount of the bail. In addition to the above, we asked the state attorney's office to fight any reduction of the bail

wear out the patience of the police. "There are instances on record," said former Police Commissioner Woods of New York, "where a case has been postponed and re-postponed until the patrolman has been obliged to come to court twenty-six times before it actually was called to trial." [1]

Illustrations of this laxity and neglect are legion. For example, on February 10, 1911, Thomas Chap, a bartender in Chicago, shot and killed a seventeen year old boy. Chap admitted the shooting and justified his act by accusing his victim of striking matches on the bar-top and of kicking a dog. He was indicted for murder on March 4, 1911. On April 7, 1911, he was released on $10,000 bail. No further record of his case appears until 1916, when the docket shows the following:

March 20, 1916 — case continued to April 17, 1916.
April 17, 1916 — continued to May term.
(Another gap in the record.)
Jan. 23, 1918 — continued to March 4, 1918.
March 28, 1918 — continued to April 22, 1918.
April 22, 1918 — continued to May 13, 1918.
May 13, 1918 — cause off call, order of court.
Sept. 23, 1919 — on motion of State's Attorney, cause reinstated.
Sept. 23, 1919 — *capias* order issued.

of these notorious criminals. Two members of the state's attorney's office fought this reduction to the limit. Notwithstanding our recommendations and their efforts, within a day or two we learned that the amount of the bond had been reduced from $25,000.00 to $10,000.00 in each of the three cases, and that these men were again at large in the community and able to continue their depredations on the public. We believe that bail for persons having a record of crime should be made extremely difficult."

[1] In a public address delivered in 1916. Manuscript unpublished.

Nov. 12, 1919 — on motion of State's Attorney continued to Nov. 17, 1919.

Nov. 13, 1919 — by agreement bond reduced to $7,500.

Nov. 17, 1919 — on motion of State's Attorney set for December 1, 1919.

Dec. 1, 1919 — plea of not guilty entered, jury trial. Jury sworn; testimony heard in part.

Dec. 2, 1919 — further testimony heard; jury returns verdict of "not guilty." [1]

In some jurisdictions, moreover, it is not unusual for committing magistrates to throw cases out of court for frivolous and sometimes capricious reasons — because the officer is late, or because his hand-writing on the complaint is poor, or because his coat is unbuttoned. Often, too, the sentences imposed are absurdly inadequate. Dangerous criminals with long records are returned to civil life after undergoing minimum punishment. Sometimes they escape punishment altogether. Occasionally this is the work of politics; [2] more often it is due to haste and carelessness or to a failure on the part of the magistrates to realize the true significance of the struggle of society against crime. "One of the most discouraging things about police work," former Commissioner O'Meara of Boston told me, "is to work for weeks and months getting evidence on a particular case only to have

[1] Grand Jury No. 137; P. G. D. No. 95,897; Term No. 2,459; and General No. 84. This and other similar cases taken from the records of the Criminal Court Clerk in Chicago are published in the Bulletin of the *Chicago Crime Commission* of Dec. 20, 1919.

[2] Anyone who would see the American judicial system at its worst and lowest should read the report of the Congressional investigation of the negro riots in East St. Louis. (65th Congress, 2nd Session, Document 1,231, July 5, 1918.)

the court let the defendant off with a $25 fine. Then we have to begin our work all over again." The annual report of the General Superintendent of Police of Chicago for 1910 carries a paragraph equally significant:

> "An honest effort has been made to reduce all gambling to a minimum, and many arrests and raids have been made, and the best results have been obtained that were possible under existing conditions. *The average fine for gambling was $4.20.*" [1]

Moreover the decisions of the courts are often based on ignorance. In New York in 1915 a man well known to the police was arrested for having concealed on his person a burglar's "jimmy" and a flashlight. He was immediately discharged by the magistrate on the ground that intent to use these tools was not established. Another suspicious person, arrested with skeleton keys in his possession, was similarly discharged.[2] Cases of this kind can be duplicated in other cities. In 1911 in New York, a judge of the Court of General Sessions frequently directed juries to acquit defendants because of the alleged misconduct of the prosecuting attorney or of witnesses. For example, in one such case, in which two men were on trial for burglary, the district attorney wanted to show that when arrested the men had dropped a "jimmy" which was later found exactly to fit the marks on the door of the premises in question. The following colloquy ensued:

[1] P. 8. The italics are mine.

[2] Cases of Proctor and Rentz in the Magistrate's Court in January, 1915.

The District Attorney: Q. (To Detective Murray) Did you ever take this jimmy upstairs into the building?

The Court: How is that material? I will sustain an objection.

The District Attorney: I want to show that the jimmy marks fitted into the door.

The Court: In view of the statement made by you I will direct the jury to render a verdict of not guilty.

The District Attorney: I stated it in my opening. I could n't prove it in any other way. The officer went back and fitted it.

The Court: The officer did not go back in time. You have no right to repeat that now so I sustain the objection. Sit down. I direct a verdict of acquittal for improper conduct of the district attorney in the trial of the case.[1]

Comment in cases such as these is superfluous. They are cited only because they illustrate some of the difficulties under which our police are laboring in their unequal fight with crime.

Attitude of the Public.

The weak sentimentality of the community in relation to crime and the criminal is a final factor in the failure of our administration of justice which cannot be overlooked. Offenders go unpunished and the laws are used as a shield for crime because such laxity is after all in substantial accord with public opinion, or at least with that element of public opinion which follows the daily news-

[1] People *vs.* Ristino, p. 18. For a discussion of this and other cases, see report dated May 23, 1912, submitted to the Mayor of New York by the present writer when serving as Commissioner of Accounts of New York.

paper stories of our criminal courts. Our hereditary sympathies are for the under-dog, for the man who is down and out, and the criminal is too frequently pictured as being only the victim of hard luck or a bad environment, fighting for his life or freedom against the powerfully organized, impersonal forces of the commonwealth. Sometimes this sentiment is little short of maudlin, and the man whose crime has been picturesque or unusual becomes in public imagination, if not a hero, at least a very interesting character, in the discussion of whose case the rights of society and the claims of justice are lost sight of. Sensational publicity whets the popular interest; the sordid details of the crime and its motive are blazoned in hysterical headlines. The attorneys issue or inspire statements in the press, presenting their proofs of innocence or innuendoes of guilt, and long before the case is tried, public sympathy is vociferously arrayed on one side or the other. In three different parts of the country I was told by prosecuting attorneys that it was impossible to secure the conviction of a woman for murder, no matter how conclusive the evidence. "It is not considered a fair sporting proposition," one such official said. "Every important case in which a conviction is obtained brings me a flood of letters urging clemency," a western judge told me. And he added: "Often the letters precede the conviction."

This false perspective — this irrational public attitude which first shrieks for the punishment of the perpetrator and then seeks to find excuses for his act and reasons for his pardon — has done much to vitiate the restraints of

the law and weaken its administration. "The evidence shows that Anton Jindra's treatment of her was most tantalizing, annoying and brutal; and because of this we believe the said Pauline Plotka should be given the benefit of the doubt, and we, the jury, recommend that she be released from custody." [1] This verdict, handed down by a coroner's jury in Chicago in the case of the murder of a man by his sweetheart, is typical of the atmosphere of false public sentiment in which criminal justice is administered in the United States. In Indianapolis in 1919 a negro shot and killed another following a quarrel over a girl. Upon apprehension the perpetrator admitted the act, but was freed by the Grand Jury presumably upon the ground of justification in shooting a trespassing rival. Upon release from custody he called at the coroner's office to get his pistol which he had left beside the body of his victim and which had been held as evidence.[2]

These are not isolated instances. While more prevalent in some parts of the country than in others, they can be duplicated in almost every jurisdiction. They are typical of the maladjustment of our attitude toward crime. "We have three classes of homicide," I was told by the chief of detectives in a large southern city. "If a nigger kills a white man, that 's murder. If a white man kills a nigger, that 's justifiable homicide. If a nigger kills another nigger, that 's one less nigger." While of course brutally exaggerated, the statement is none the less

[1] New York *Times*, February 28, 1918.

[2] Personally communicated by the coroner of Marion County, Indiana. The investigator happened to be in the coroner's office at the moment when the negro called for his pistol.

too nearly a correct portrayal of the actual condition of public opinion in many parts of the country to be altogether or even largely discounted.

Crime is an offense not only against the individual victim but against the whole structure of society. Until public opinion adjusts its own point of view on these matters we cannot expect our courts to reflect anything better.

In discussing these four phases of the administration of justice in America — our technical criminal procedure, the long delays and the uncertainty of punishment, the badly chosen personnel on the bench and in the department of the prosecuting attorney, and finally the unhealthy state of public opinion toward crime and the criminal — the aim has been to emphasize the point, too often overlooked, that our police suffer from connection with a system that has all but broken down. From time to time, in our indignation at the obvious growth of crime, we rise up and cry out at the police. Why are they not at their business? Why do they not succeed? The answer is obvious. The task before us is far greater than the regeneration of our police. It is the regeneration of our whole system of administering justice and the creation of a sound public attitude toward crime.

IV. UNENFORCEABLE LAWS

A final disadvantage under which American police departments are laboring is to be found in the presence on our statute books of laws which, because they interfere with customs widely practised and widely regarded as

innocent, are fundamentally unenforceable. The willingness with which we undertake to regulate by law the personal habits of private citizens is a source of perpetual astonishment to Europeans. In no country in Europe, with the exception of Germany, is an attempt ever made to enforce standards of conduct which do not meet with general public approval, or, at the behest of what may be a minority, to bring a particular code of behavior within the scope of criminal legislation. With us, however, every year adds its accretion to our sumptuary laws. It suits the judgment of some and the temper of others to convert into crimes practices which they deem mischievous or unethical. They resort to law to supply the deficiencies of other agencies of social control. They attempt to govern by means of law things which in their nature do not admit of objective treatment and external coercion. "Nothing is more attractive to the benevolent vanity of men," said James Coolidge Carter, "than the notion that they can effect great improvement in society by the simple process of forbidding all wrong conduct, or conduct which they think is wrong, by law, and of enjoining all good conduct by the same means." [1]

It is to this temptation and to this fallacy that our legislatures habitually succumb. The views of particular groups of people on questions of private conduct are made the legal requirements of the State. We are surrounded by penal laws whose only purpose is to enforce

[1] *Law: Its Origin, Growth and Function.* New York, 1900, p. 221. See, too, *The Limits of Effective Legal Action,* an address by Roscoe Pound before the Pennsylvania Bar Association, June 27, 1916 (a pamphlet); and *The End of Law as Developed in Legal Rules and Doctrines,* by the same author, in 27 Harvard L. Rev. 195.

by threat certain standards of morality. We are hedged about by arbitrary regulations, which, while they may have at one time perhaps satisfied the consciences of those responsible for them, no longer represent community public opinion, or at best represent only a portion of it. These regulations have not grown as we have grown and they do not ease up as we push the whole social weight against them. Indeed this presents one of the strange anomalies in American life: with an intolerance for authority and an emphasis upon individual rights, more pronounced, perhaps, than in any other nation, we are, of all people, not even excepting the Germans, pre-eminently addicted to the habit of standardizing by law the lives and morals of our citizens. Nowhere in the world is there so great an anxiety to place the moral regulation of social affairs in the hands of the police, and nowhere are the police so incapable of carrying out such regulation. Our concern, moreover, is for externals, for results that are formal and apparent rather than essential. We are less anxious about preventing a man from doing wrong to others than in preventing him from doing what we consider harm to himself. We like to pass laws to compel the individual to do as we think he ought to do for his own good. We attack symptoms rather than causes and in doing so we create a species of moralistic despotism which overrides the private conscience and destroys liberty where liberty is most precious.

From this condition arises one of the most embarrassing phases of the whole question of law enforcement. Mayors, administrations and police forces are more often and more successfully attacked from this point than from

any other, and the consequences are corrupted policemen and shuffling executives who give the best excuse they can think of at the moment for failing to do the impossible, but are able to add nothing to the situation but a sense of their own perplexity. Of all the cities visited by the writer, there was scarcely one that did not bear evidence of demoralization arising from attempts to enforce laws which instead of representing the will of the community, represented hardly anybody's will. "I am always between two fires," the chief of police in New Orleans told me. "If I should enforce the law against selling tobacco on Sunday, I would be run out of office in twenty-four hours. But I am in constant danger of being run out of office because I don't enforce it." At the time of my visit to New Orleans the enforcement of this particular law was in a state of compromise by which green curtains were hung to conceal the tobacco stands on Sunday. The curtains served the double purpose of advertising the location of the stands and of protecting the virtue of the citizens from visions of evil!

It is this sort of hypocrisy that one encounters everywhere, and the number of such statutes is legion, most of them honored in the breach or perhaps in some compromise that brings the law and its administration into public contempt. "There has never been serious attempt to modify our strict Sunday laws," I was told by the prosecuting attorney in a large southern city. "In the first place it is n't necessary because the laws are n't enforced, and in the second place any attempt to modify them would meet with determined opposition from our good people." This happy philosophy fails to take account of the spas-

modic efforts on the part of the good people to enforce the laws. One constantly comes across such situations as the following newspaper item portrays:

> "ABERDEEN, Miss., April 15.— The W. C. T. U. is seeking to have all soda fountains closed on Sunday in the future. This was done once before but it did not last. The W. C. T. U. officials say they are going to hold this time and that they intend to see that the law is carried out to the letter and that every violator is prosecuted to full extent." [1]

Most chiefs of police confess frankly that in these cases they do not act except upon specific complaint. "And then we have to act," said one chief, "but of course nothing ever comes of it because judges and juries will not convict." Said a criminal court judge in Kentucky: "On ample evidence furnished by a Church Federation I placed several cases of Sunday violations before the Grand Juries of March, April, May, June, September, October and November, 1915. Not a single indictment was returned. It is my experience that prosecutors, judges and juries will not convict people of crime for doing things that are the community habit and practice." [2]

A county solicitor from Alabama writes me as follows: "While we have a statute making it unlawful to play tennis and golf on Sunday there is no effort made to enforce it. A great deal of effort has been made in the past to convict negroes for playing cards on Sunday, but this has

[1] Birmingham *Age-Herald*, April 16, 1915.
[2] Personally communicated.

been due to the fee system, and has been looked upon with disfavor by both courts and juries." [1]

Clearly it is a bungling arrangement which leaves a borderland between the live and the dead law to be explored at the discretion of individual officers. Our police departments are torn apart by constant controversies as to the existence and location of this shadowy area. Recently in Baltimore, the police suddenly descended in a series of raids to arrest all violators of the Sunday law. One hundred and thirteen people were taken into custody in one day and 223 summonses were served. Those arrested included druggists, drivers of ice-cream trucks, barbers, and bakery-shop keepers. Two men were arrested for balancing their books in their own homes. Selling a child a stick of candy constituted a heinous offense and the buying of a piece of chewing gum or a loaf of bread caused the arrest of the store-keeper. One man was arrested for painting the gate in his back yard. Policemen did not hesitate to approach a man who happened to be smoking a cigar and question him as to how he came in its possession. If satisfactory answers were not forthcoming the man was arrested. Efforts were made to persuade the police to allow a few men to continue working in a garage on the ground that a hundred motor trucks stored there would freeze if not attended to. The police, however, refused, and two arrests were made of men who attempted to preserve their property.[2] "This satire upon religious observance," said the Baltimore *American,* "bore no fruit of holiness, but on the

[1] Letter dated May 8, 1915.
[2] See Baltimore newspapers for December 1, 1919.

contrary fermented bitter feeling and vindictiveness. The public was strained almost to the verge of physical violence. The arrests were a disgrace to the city, and even the policemen who under orders made them, and the magistrates who held the preliminary hearings, shrank with disgust from the tasks that were laid upon them." [1]

Equally ludicrous results follow everywhere from legislative incursions into the sphere of morals. In Massachusetts where golf-playing on Sunday is illegal, a certain golf course lies partly in one township and partly in another. The authorities in one jurisdiction enforce the law; the authorities in the other do not. Consequently on Sunday the members are limited in their play to the holes in the "liberal" township. In Tennessee the law against the sale of cigarettes is enforced in Nashville and disregarded in Memphis. In Alabama the law against Sunday golf and tennis is nowhere enforced, while the law against Sunday baseball is enforced only in Birmingham. In New Orleans at the time of my visit a policeman was stationed every evening in each of fourteen cabarets where liquor was sold. These officers were on duty from 8 P. M. to 4 A. M. except on Saturday nights, when they were withdrawn at midnight for the reason, as stated to me by the commissioner, that their presence in the cabarets after midnight "might seem to countenance the violation of the Sunday liquor law"!

Often the laws are such as to defy enforcement even if they had behind them a substantial body of public opinion. Thus there are laws against kissing, laws against face powder and rouge, laws against ear-rings, laws regulating

[1] December 1, 1919.

the length of women's skirts, laws fixing the size of hatpins. In Massachusetts one may not play cards for stakes even with friends in the privacy of one's home. In Texas, card-playing on trains is illegal. One would have to scan the ordinances published by the Police President of Berlin to find any parallel to the arbitrary regulations in regard to private conduct with which American citizens are surrounded.[1]

The argument of those who hold the police responsible for our lax observance of these sumptuary laws marches with a stately tread. "The police," they say, "are sworn to enforce all laws. It is not for them to use discretion in determining what laws shall be enforced and what shall not be." This argument fails to take account of the practical situation in which the police find themselves. It is estimated that there are on the average something like 16,000 statutes, federal, state and local, applicable to a given city.[2] To enforce all of them, absolutely, all the time, is of course to any mind but that of the theorist

[1] Statutes such as these are frequently enacted apparently on the theory that the function of law is to register the protest of society against wrong. Dean Roscoe Pound of the Harvard Law School, makes the following comment on this theory: "It is said that Hunt, the agitator, appeared on one occasion before Lord Ellenborough at circuit, *apropos* of nothing upon the calendar, to make one of his harangues. After the Chief Justice had explained to him that he was not in a tribunal of general jurisdiction to inquire into every species of wrong throughout the kingdom but only in a court of assize and jail delivery to deliver the jail of that particular county, Hunt exclaimed, 'But, my Lord, I desire to protest.' 'Oh, certainly,' said Lord Ellenborough. 'By all means. Usher! Take Mr. Hunt into the corridor and allow him to protest as much as he pleases.' Our statute books are full of protests of society against wrong which are as efficacious for practical purposes as the declamations of Mr. Hunt in the corridor of Lord Ellenborough's court." (Address before Pennsylvania Bar Association, June 27, 1916.)

[2] See Brand Whitlock: *Enforcement of Laws in Cities*, Indianapolis, 1910, p. 79.

and doctrinaire utterly impossible. With ten times the number of policemen it could not be done. Arthur Woods, formerly police commissioner in New York, put the case as follows: "Those who lightly advise that every law should be vigorously enforced cannot have in contemplation what such a policy would involve: police spies prowling around every household over which a scandal hovers, men and women shadowed by detectives, many respectable people accused unjustly by officious functionaries, immense sums of money spent in putting the entire community under police surveillance. All this would be necessary."[1] Whether it squares with our ideals or not, the police are forced by practical circumstances to determine where they shall put the emphasis in the enforcement of the law.

Under such circumstances, therefore, it is not surprising that they are disinclined to enforce statutes which lie in the region where public opinion is either uncertain or frankly antagonistic in its attitude toward the things sought to be required or repressed. Mr. Brand Whitlock defines the situation with admirable clearness: "When the act which violates the law is merely *malum prohibitum* and would not be wrong in itself, when large numbers of the people, or a majority of the people wish to commit that act or have no objection to others committing it,— such an act, for instance, as playing ball, going to a theatre, trimming a window, running a train, or having ice-cream delivered for the Sunday dinner,— then it becomes impossible to enforce the law without re-

[1] From a public address delivered in 1916, the manuscript of which lies before me.

sorting to violence, namely, by rushing policemen here and there in patrol wagons, and forcibly carrying away men and women to police stations, courts and prisons, and when they are out, doing the same thing over again. This process, when attempted on a large scale, is called a 'crusade,' and is invariably accompanied by disorder and tumult, sometimes by riot, and always engenders hatred and bad feeling. Its results are harmful and it being found to be impossible to sustain the high pitch of excitement and even hysteria which are necessary to conduct a crusade properly, the enthusiasm of crusading officials soon subsides, other duties are found to demand attention, and so the crusade dies out, is abandoned, and things are worse than before." [1]

Those who would push the enforcement of their ideas to such extremes as these overlook the fact so succinctly stated by former Mayor Jones of Toledo, that law in America is what the people will back up.[2] Its life is its enforcement. Victorious upon paper, it is powerless elsewhere. The test of its validity is the strength of the social reaction which supports it. "The true liberty of law," said Elihu Root, "is to be found in its development from the life of the people. The enforcement upon the people of law which has its origin only in the mind of a law-maker, has the essence of tyranny and its imposition is the mandate of a conqueror." [3] Said Emerson: "The law is only a memorandum. We are superstitious

[1] Whitlock, *loc. cit.*, p. 20, quotation slightly abridged.
[2] *Ibid.*, p. 55.
[3] From a speech delivered before the Harvard Law School Association of New York City, April 1, 1915, the stenographic transcript of which is before me.

and esteem the statute somewhat; so much life as it has in the character of living men is its force." [1]

One final adage is always hurled at this position. "The best way to repeal a bad law is to enforce it." This statement is largely fallacious. It is true only when those upon whom the obnoxious law is enforced have the power, through representatives that they themselves elect, to repeal it. When the case is otherwise it is not true. For years it has been the practice of state legislatures, largely representative of rural districts, to attempt the regulation by law of the customs, diversions, sports and appetites of city populations. The city police could enforce these statutes to the continuous discomfort and annoyance of all the inhabitants without effecting a repeal, because most city populations are represented in their legislatures by minorities. Only too often have these minorities sought in vain to obtain release from laws that are not adapted to the life and habits of the city and that in the nature of things cannot be adapted to them.

Meanwhile our police are caught in an embarrassing dilemma, and there is little hope of a sound and healthy basis of police work until our law-making bodies face the fact that men cannot be made good by force. The attempt to coerce men to render unto Caesar the things that are God's must always end in failure. The law cannot take the place of the home, the school, the church and other influences by which moral ends are achieved. It cannot be made to assume the whole burden of social control. Permanent advance in human society will not be brought about by night-sticks and patrol wagons, but

[1] Essay on *Politics*.

by the cultivation, in neighborliness and sympathy, of a public opinion which will reflect its soundness in the laws it enacts and in the approval it gives to their enforcement.[1]

[1] See Newton D. Baker: *Law, Police and Social Problems, Atlantic Monthly,* July, 1915; Chap. IX of Havelock Ellis' *The Task of Social Hygiene,* London, 1913; Chap. VIII of Fuld's *Police Administration,* New York, 1910; and Chap. VII of Woods' *Policeman and Public,* Yale University Press, 1919.